

Case 1:21-cv-00288-MAC-CLS Document 31 Filed 11/03/21 Page 1 of 2 PageID #: 460

EASTERN DISTRICT OF TEXAS

TROY J. BROUSSARD,

Plaintiff,

versus

PORT ARTHUR PIPELINE, LLC,
SEMPRA ENERGY d/b/a
SEMPRA ENERGY CORP. and
GREGORY SCOTT d/b/a
CLEAN HARBORS and/or
HOUSTON DAYLIGHTING &
HYDRO EXCAVATION SERVICES

Defendants.

CIVIL ACTION NO. 1:21-CV-288-MAC

MEMORANDUM AND ORDER ADOPTING AND REMANDING CASE

This court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration. On October 11, 2021, Judge Stetson issued a Report and Recommendation in which she recommended that the court grant the Plaintiff's motion to remand. To date, the parties have not filed objections to the report. Plaintiff filed an Amended Complaint without leave of court on October 19, 2021, (#28). Defendant Sempra re-urged its motion to dismiss for lack of jurisdiction and Defendant Port Arthur Pipeline filed an answer to the Amended Complaint along with an objection to Plaintiff's failure to obtain leave of court.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the court conducted a *de novo* review of the magistrate judge's report and the record in this cause. The court agrees with Judge Stetson's recommended disposition. The court therefore ORDERS

that the Report and Recommendation (#26) is ADOPTED. Plaintiff's motion to remand (#5) is GRANTED. The Clerk is directed to CLOSE this case and REMAND it to the 172nd District Court of Jefferson County, Texas, from which it was removed. Defendant Sempra's pending motions to dismiss (#s 23 and 29) are TERMINATED as MOOT, without prejudice to reassert in state court. The court finds Plaintiff's amended complaint (#28) filed without leave of court under Federal Rule of Civil Procedure 15 is, also, hereby MOOT. All other pending motions are MOOT.

SIGNED at Beaumont, Texas, this 3rd day of November, 2021.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE